

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

PETER J. MILLER, an individual,
CLIFFORD HOYT, an individual, and
CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and
CHEMIMAGE CORP., a Delaware
corporation,

Defendants.

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U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 05-10367-RWZ

**[ASSENTED-TO] COMBINED MOTION
AND MEMORANDUM IN SUPPORT THEREOF
TO IMPOUND PURSUANT TO LOCAL RULE 7.2
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR A FOURTEEN-DAY EXTENSION [D.E. 43],
AND SEVERAL EXHIBITS THERETO**

Plaintiffs Cambridge Research and Instrumentation, Inc. ("CRI"), Peter J. Miller, and Clifford Hoyt, by their attorneys COHEN, PONTANI, LIEBERMAN & PAVANE, hereby move the Court under LR 7.2 to impound the attached materials; namely, Plaintiffs' Opposition to Defendants' Motion [D.E. 43] for a Fourteen-Day Extension of Time to Respond to Plaintiffs' Motions (A) for Leave to File an Amended Complaint [D.E. 40] and (B) to Impound [D.E. 42], and Exhibits 3-4 thereto.

This motion includes the memorandum of reasons, including citation of supporting authorities, why this motion should be granted, pursuant to LR 7.1(b)(1).

Exhibit 1 to this motion is a list of exhibits and filings and how each was filed with the Court.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Opp. to Defendants' Mot. For 14-day Ext. [D.E. 43],
and Several Exhibits thereto

In support, plaintiffs state as follows:

1. Plaintiffs have filed via ECF [D.E. 45] a redacted version of their Opposition to Defendants' Motion [D.E. 43] for a Fourteen-Day Extension of Time to Respond to Plaintiffs' Motions (A) for Leave to File an Amended Complaint [D.E. 40] and (B) to Impound [D.E. 42], and a blank page in place of Exhibits 3-4 thereto.

2. The attached complete unredacted copies of the Opposition to Defendants' Motion [D.E. 43] for a Fourteen-Day Extension of Time to Respond to Plaintiffs' Motions (A) for Leave to File an Amended Complaint [D.E. 40] and (B) to Impound [D.E. 42] and Exhibits 3-4 thereto describe and/or characterize subject matter which plaintiffs and defendants had previously agreed would not be disclosed publicly. See pp. 5-7, Plaintiffs' Opposition attached hereto; and ¶2 on p. CRI004143, Ex. X to Amd. Compl't, Ex. 1 to [D.E. 41].

4. Thus, plaintiffs request, with defendants' assent, that the Court order the impoundment of the attached documents pursuant to LR 7.2, which impoundment shall last until further order of the Court.

5. Pursuant to LR 7.1(a)(2), plaintiffs have sought to narrow or resolve the issue, and defendants have indicated their assent, as is further described in Plaintiffs' Opposition, pp. 5-7.

6. Pursuant to LR 7.2(a), plaintiffs suggest the attached documents be returned to plaintiffs' custody after the period of impoundment.

[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Opp. to Defendants' Mot. For 14-day Ext. [D.E. 43],
and Several Exhibits thereto

WHEREFORE, plaintiffs respectfully request, with defendants' assent, that the Court:

- A. Issue an order impounding the attached documents, namely:
 - Plaintiffs' Opposition to Defendants' Motion [D.E. 43] for a Fourteen-Day Extension of Time to Respond to Plaintiffs' Motions (A) for Leave to File an Amended Complaint [D.E. 40] and (B) to Impound [D.E. 42]; and
 - Exhibits 3-4 thereto.
- B. Grant such further and other relief as this Court deems just, equitable and proper.

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT,
and CAMBRIDGE RESEARCH AND
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: June 9, 2006

/s/ Teodor Holmberg
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[Assented-To] Motion/Memo to Impound under LR 7.2
Plaintiffs' Opp. to Defendants' Mot. For 14-day Ext. [D.E. 43],
and Several Exhibits thereto

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Impound Pursuant to LR 7.2 (identified in the top right-hand corner of this page) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on June 9, 2006.

/s/ Teodor Holmberg

The foregoing Motion to Impound requests that the following documents be sealed:

- Plaintiffs' Opposition to Defendants' Motion [D.E. 43] for a Fourteen-Day Extension of Time to Respond to Plaintiffs' Motions (A) for Leave to File an Amended Complaint [D.E. 40] and (B) to Impound [D.E. 42]; and
- Exhibits 3-4 thereto.

I hereby further certify that **redacted** copies of the listed documents have been filed with the Court separately via ECF at [D.E. 45].

I hereby also certify that complete, **unredacted** copies of the documents listed above are being served, by hand, with a copy of the foregoing Motion to Impound, with the Court.

I hereby lastly certify that **unredacted** copies are also being served by first class mail, postage prepaid, on June 9, 2006 on:

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/s/ Teodor Holmberg

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INDEX of EXHIBITS for
Plaintiffs' Opp. [D.E. 45]
to Defendants' Mot. For 14-day Ext. [D.E. 43],
and
[Assented-To] LR 7.2 Motion to Impound [D.E. 46] therewith

INDEX OF EXHIBITS **FOR**

- **PLAINTIFFS' OPPOSITION [D.E. 45] TO DEFENDANTS' MOTION [D.E. 43] FOR A FOURTEEN-DAY EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTIONS (A) FOR LEAVE TO FILE AN AMENDED COMPLAINT [D.E. 40] AND (B) TO IMPOUND [D.E. 42]**
- **COMBINED [ASSENTED-TO] MOTION/MEMO TO IMPOUND UNDER LR 7.2**

Ex. No.	Docket Entry/ Bates No.	Brief Description	Filing?
-	[D.E. 46]	COMBINED MOTION/MEMO TO IMPOUND UNDER LR 7.2 All papers listed as being filed BY HAND will be filed with a copy of this motion/memo by hand with the clerk of the court	ECF
1	n/a	Copy of this Index	ECF
-	[D.E. 45]	PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION [D.E. 43] FOR A FOURTEEN-DAY EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTIONS (A) FOR LEAVE TO FILE AN AMENDED COMPLAINT [D.E. 40] AND (B) TO IMPOUND [D.E. 42]	ECF: Redacted BY HAND: complete
Exhibits to the Plaintiffs' Opposition			
1	n/a	3:35 PM e-mail from defendants to plaintiffs providing advance warning of their motion to extend on Friday, May 26, 2006	ECF
2	n/a	3:48 PM Notice of Electronic Filing for the motion to extend on Friday, May 26, 2006	ECF
3	n/a	June 1, 2006 letter from counsel for plaintiffs to counsel to defendants	BY HAND
4	n/a	June 7, 2006 letter from counsel for plaintiffs to counsel to defendants	BY HAND